

EXHIBIT 86

Highly Confidential - Subject to Further Confidentiality Review

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL :
PRESCRIPTION : MDL No. 2804
6 OPIATE LITIGATION :
_____ : Case No.
7 : 1:17-MD-2804
THIS DOCUMENT RELATES :
8 TO ALL CASES : Hon. Dan A. Polster

9 - - -

10 HIGHLY CONFIDENTIAL
11 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
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14 Videotaped deposition of ERIN M. COX, held at
15 the offices of Spangenberg Shibley & Liber LLP,
16 1001 Lakeside Avenue, Suite 1700, Cleveland, Ohio
17 44114, on January 17, 2019, commencing at
18 8:58 a.m., before Carol A. Kirk, Registered Merit
19 Reporter and Notary Public.

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22
23 GOLKOW LITIGATION SERVICES
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24 deps@golkow.com

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1 materials that you would have received from
 2 Mallinckrodt with regards to educate and inform?
 3 MR. TSAI: Object to the form.
 4 Go ahead.
 5 A. That's apples and oranges. These
 6 were skin conditions. It was vastly different.
 7 Q. Okay. But to be clear, you would
 8 have received written materials from
 9 Mallinckrodt during your term there which talked
 10 about educate and inform, correct?
 11 A. That's correct.
 12 Q. Your compensation at JSJ, was
 13 there a salary?
 14 A. There was a salary.
 15 Q. Was there a bonus program?
 16 A. There was.
 17 Q. Okay. And how was the bonus
 18 computed?
 19 A. We were paid on a draw, so it was
 20 a quarterly draw depending on what you brought
 21 into the territory. I don't remember the
 22 specifics. It was a convoluted bonus program, I
 23 think by design.
 24 Q. Yeah. Let me ask you this way.

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1 If the healthcare professionals that you were --
 2 if I say "targeting," do you -- are you familiar
 3 with that?
 4 A. I am.
 5 Q. All right. If it was -- if the
 6 healthcare professionals that you were targeting
 7 purchased more product, more JSJ product, would
 8 you receive more of a bonus?
 9 A. The physicians never purchased any
 10 product from us.
 11 Q. Okay. If the physicians who you
 12 targeted wrote prescriptions to patients who
 13 filled prescriptions for JSJ products, would
 14 that reflect in your bonus?
 15 A. It depended on -- the answer is
 16 yes, however, there was more to it. It had to
 17 do with attainment to goal and things like that.
 18 And truly, I don't remember the specifics of
 19 this bonus plan. I remember it being
 20 complicated.
 21 Q. Okay. If doctors that you had
 22 been targeting your territory wrote less
 23 prescriptions month over month over month, would
 24 you -- would your bonus increase?

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1 A. It would not.
 2 Q. Okay. Why is it you left JSJ?
 3 A. They went out of business. We all
 4 left JSJ.
 5 Q. Okay. And then from JSJ, where
 6 did you go?
 7 A. I went to Mallinckrodt, which was
 8 then Covidien.
 9 Q. Okay. I'm going to refer to it as
 10 Mallinckrodt; is that okay?
 11 A. That's fine.
 12 Q. All right. And how long were you
 13 at Mallinckrodt?
 14 A. A month after I left JSJ. So I
 15 think it was April 2010 until September --
 16 August, September of 2014.
 17 Q. All right. Did you know anybody
 18 at Mallinckrodt before going over there?
 19 A. I didn't know anyone.
 20 Q. How is it that you became aware of
 21 a position at Mallinckrodt?
 22 A. A recruiter. I submitted my
 23 resumé as I was looking for a job, and a
 24 recruiter contacted me about an opening in

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1 Cleveland.
 2 Q. Okay. And what position were you
 3 hired in?
 4 A. I was hired in the Cleveland west
 5 territory.
 6 - - -
 7 (Mallinckrodt-Cox Exhibit 3 marked.)
 8 - - -
 9 BY MR. DEARMAN:
 10 Q. I'm going to show you what I'm
 11 going to mark as Exhibit 3, which is Bates range
 12 8510 through 8515.
 13 Are you familiar with this
 14 document?
 15 A. I am, yeah.
 16 Q. Okay. It indicates that you were
 17 offered, back in April of 2010, a pharmaceutical
 18 sales specialist position --
 19 A. Mm-hmm.
 20 Q. -- in the specialty
 21 pharmaceuticals business. Does that sound
 22 accurate?
 23 A. It is.
 24 Q. Okay. It refers to your salary of

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1 [REDACTED] annualized?

2 A. Mm-hmm.

3 Q. Underneath that first paragraph it
4 talks about "variable compensation," and it says
5 you that -- it says that you will be eligible to
6 participate in the sales incentive compensation
7 program, the SICP?

8 A. Yes.

9 Q. The SCIP, was that the bonus
10 program?

11 A. As far as I can remember, yes.

12 Q. What were your duties and
13 responsibilities as a -- well, first, who did
14 you report to when you started as a
15 pharmaceutical sales specialist?

16 A. Kevin Becker, the re -- district
17 manager, I think, at the time was his title.

18 Q. Were there other sales specialists
19 that reported to Kevin?

20 A. There was probably a team of ten.

21 Q. Okay. What was your -- I know you
22 probably mentioned it already, but what was your
23 territory when you started?

24 A. My territory when I started was --

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1 and it remained the same throughout my tenure
2 there, Cleveland west, which was mostly Lorain
3 County, and parts of Cuyahoga County. The
4 Lorain County portion would have been Lorain,
5 Elyria, Oberlin, Avon, Avon Lake. And Cuyahoga
6 County would have been Westlake and a portion of
7 Cleveland.

8 Q. Did your territories change from
9 2010 to 2014?

10 A. My territory never changed.

11 Q. Did your duties and
12 responsibilities, while you were at Mallinckrodt
13 from 2010 to 2014, change during that period of
14 time or did they remain the same?

15 A. They remained the same.

16 Q. Okay. And what were your duties
17 and responsibilities?

18 A. I was responsible for the
19 promotion of Pennsaid and Exalgo mostly.

20 Q. And when you say "mostly," were
21 there other --

22 A. Yeah. We had two products,
23 Sumavel DosePro and Duexis, that we promoted for
24 a very short period of time. Part of it was

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1 when I was on maternity leave, so I didn't have
2 much -- it was a very short period of time.

3 Q. What kind of attorney is your
4 husband?

5 A. A corporate capital markets
6 attorney.

7 Q. Does he litigate, if you know?

8 A. He does not.

9 Q. Was this the first time that
10 you -- well, when you got to Mallinckrodt, were
11 you involved with products that were controlled
12 substances?

13 A. I was, yes.

14 Q. And which of the products that you
15 were responsible for were controlled substances?

16 A. I was responsible for Exalgo and
17 Pennsaid. Exalgo was the Schedule II
18 medication.

19 Q. That was the only Schedule II
20 medication that you were responsible for?

21 A. It was.

22 Q. What was Pennsaid?

23 A. Oh, I'm sorry. And Xartemis.

24 Q. Okay.

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1 A. I was only there for a few months
2 during Xartemis and then I left and went to a
3 different company.

4 Q. Okay.

5 A. I usually -- I forget that I
6 even -- was even a part of that.

7 Q. All right. So Exalgo and XXR were
8 the two Schedule IIs?

9 A. They were.

10 Q. All right. What was Pennsaid?

11 A. A topical NSAID for osteoarthritis
12 of the knee.

13 Q. Would you agree that there is an
14 opioid epidemic in this country?

15 A. I would agree there is an opioid
16 epidemic.

17 Q. Would you agree that there has
18 been an opioid epidemic for some time in this
19 country?

20 A. There has, yes.

21 Q. How far back would you say that
22 there's been an opioid epidemic, in your
23 opinion?

24 A. I can't really say.

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1 Q. Okay. Would you say 2000?
 2 A. Probably 2000- -- probably 2005.
 3 Q. Are you familiar with the term
 4 "CSA"?
 5 A. CS -- I am not familiar with that
 6 term.
 7 Q. Are you familiar with the term
 8 "Controlled Substances Act"?
 9 A. Not really, no.
 10 Q. Okay. What -- "not really" leads
 11 me to believe that maybe --
 12 A. I may have heard it, but I don't
 13 know what it is, yeah.
 14 Q. Okay. Did you receive any
 15 training at Mallinckrodt regarding the
 16 Controlled Substances Act?
 17 A. We received a lot of training at
 18 Mallinckrodt. I really can't -- it would have
 19 been during -- the bulk of my training would
 20 have been in 2010. I'm sure it included the
 21 CSA. I can't really remember what any of that
 22 is, though.
 23 Q. Okay. Why are you sure that your
 24 training back in 2010 would have included the

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1 CSA?
 2 A. We had a two-week very
 3 comprehensive training program with PharmDs,
 4 along with a national sales meeting that was
 5 very comprehensive. We received a lot of
 6 training.
 7 Q. I asked you earlier if you were
 8 familiar with the Controlled Substances Act and
 9 you said "not really, no." So again,
 10 notwithstanding your current answer, what was it
 11 that leads you to believe -- or what is it that
 12 leads you to believe that back in 2010 you would
 13 have received training on the Controlled
 14 Substances Act?
 15 A. We received a lot of training, a
 16 lot of different training. There were a lot of
 17 things going on. REMS programs, Cares Alliance
 18 programs. I can't recall specifically CSA, but
 19 we were -- we were well trained.
 20 Q. Okay. And so I appreciate your
 21 response, but, again, do you know whether or not
 22 you received training on the Controlled
 23 Substances Act back in 2010?
 24 A. I can't recall it.

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1 Q. Okay. Did you ever become aware
 2 while you were at Mallinckrodt that Mallinckrodt
 3 had a duty to monitor and implement a system to
 4 identify suspicious orders?
 5 A. No. I was not part of that. I
 6 was only the commercial side. We had no part in
 7 ordering of any type of product.
 8 Q. So you were not aware of that
 9 duty?
 10 A. I was not aware of that duty.
 11 Q. Were you aware of a duty to
 12 maintain effective controls against diversion?
 13 A. I was not. That's not -- that was
 14 not part of my job responsibilities.
 15 Q. Was detecting diversion part of
 16 your job responsibility?
 17 A. It was not.
 18 Q. Are you aware there's a case
 19 pending against pharmaceutical manufacturers and
 20 distributors involving the opioid crisis?
 21 A. Just from what my attorneys have
 22 shared with me. That's all I know.
 23 Q. Okay. Other than what your
 24 attorneys provided you, do you have any

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1 knowledge of the existence of the litigation?
 2 A. I don't, no.
 3 Q. We talked about the training that
 4 you received. So there was training when you
 5 started at Mallinckrodt?
 6 A. There was.
 7 Q. And where did that training take
 8 place?
 9 A. St. Louis, Missouri.
 10 Q. And how long was that training?
 11 A. I believe the first round was two
 12 weeks, maybe a week. I can't really specify,
 13 but it was over a week.
 14 Q. Okay. And how about -- since you
 15 said "first round," I'm assuming there was a
 16 second round?
 17 A. Yeah. We had training throughout,
 18 which was another week, and then every time we
 19 got together at national sales meetings, a --
 20 the bulk of that -- that week would be spent
 21 reviewing and retraining and updating us on
 22 different themes in the industry, making sure
 23 we're staying informed, compliant. Yeah.
 24 Q. And when you say "themes," what do

<p style="text-align: right;">Page 50</p> <p>1 you mean by "themes"?</p> <p>2 A. If there had been any changes to,</p> <p>3 you know -- if there were certain medications</p> <p>4 that were no longer available, we would be, you</p> <p>5 know, informed of, you know, why they weren't</p> <p>6 available or things like that.</p> <p>7 Q. And that would be referred to as a</p> <p>8 theme?</p> <p>9 A. I mean, not -- they would</p> <p>10 probably -- I'm just calling it a theme. That's</p> <p>11 just sort of ...</p> <p>12 Q. The first week training that you</p> <p>13 received, was it classroom-type training?</p> <p>14 A. It was.</p> <p>15 Q. Did you receive materials from</p> <p>16 Mallinckrodt?</p> <p>17 A. A binder, I believe, yes.</p> <p>18 Q. Do you know who performed the</p> <p>19 training?</p> <p>20 A. The training department.</p> <p>21 Q. Okay. Were there other</p> <p>22 pharmaceutical sales specialists in that</p> <p>23 training?</p> <p>24 A. There were.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Did your position ever change</p> <p>2 from -- I understand your duties and</p> <p>3 responsibilities were constant, but did your</p> <p>4 position change from that initial position?</p> <p>5 A. I think I was given like a</p> <p>6 different title. I went from like sales</p> <p>7 representative to sales specialist, something</p> <p>8 like that, over a period of time, but my duties</p> <p>9 and responsibilities never changed.</p> <p>10 - - -</p> <p>11 (Mallinckrodt-Cox Exhibit 4 marked.)</p> <p>12 - - -</p> <p>13 Q. Let me show you Exhibit Number 4,</p> <p>14 which is Bates range 8506, 8507.</p> <p>15 It mentions -- this letter -- are</p> <p>16 you familiar with this letter, March 24, 2014?</p> <p>17 A. Yeah, I'm -- sure.</p> <p>18 Q. All right. Do you know who Tamara</p> <p>19 Jordan is?</p> <p>20 A. I don't.</p> <p>21 Q. Okay. Field sales specialist,</p> <p>22 would that have been your second title at</p> <p>23 Mallinckrodt?</p> <p>24 A. I believe so, yes.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Were there other employees other</p> <p>2 than pharmaceutical sales, or was this just for</p> <p>3 pharmaceutical sales?</p> <p>4 A. It was just for the sales team,</p> <p>5 new sales members.</p> <p>6 Q. Future training that you</p> <p>7 mentioned, additional training after that first</p> <p>8 week, was there any training that would be done</p> <p>9 on a computer or a Mallinckrodt portal, like a</p> <p>10 website where you'd sign in?</p> <p>11 A. There were. There were</p> <p>12 different -- there were lots of different</p> <p>13 opportunities to engage us in training. I do</p> <p>14 believe there was a portal. I can't recall the</p> <p>15 specifics of it, but there were opportunities</p> <p>16 to, you know, gain our commitment to staying on</p> <p>17 label, refreshing our memory, just making sure</p> <p>18 that we're staying compliant with what was on</p> <p>19 label for both products.</p> <p>20 Q. Do you own any Mallinckrodt stock?</p> <p>21 A. I do not.</p> <p>22 Q. Does your husband own any</p> <p>23 Mallinckrodt stock?</p> <p>24 A. He does not.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Again, duties and responsibilities</p> <p>2 are the same?</p> <p>3 A. Correct.</p> <p>4 Q. You were reporting to Kevin Becker</p> <p>5 before. Are you still reporting to Kevin Becker</p> <p>6 at this point?</p> <p>7 A. I am.</p> <p>8 Q. Who's Tim Dress?</p> <p>9 A. Tim Dress is -- he was a colleague</p> <p>10 of mine and he was the district manager. I</p> <p>11 would have reported to him for a short period of</p> <p>12 time before I left Mallinckrodt.</p> <p>13 Q. Okay. Currently it's still Kevin</p> <p>14 Becker, though?</p> <p>15 A. At my new company, it's Kevin</p> <p>16 Becker, yes. Currently, yeah, my current</p> <p>17 company.</p> <p>18 Q. Okay. So the company that you're</p> <p>19 at now, the new company, Kevin Becker is your --</p> <p>20 A. Yes.</p> <p>21 Q. Okay. But while you were a field</p> <p>22 sales specialist, it was also Kevin Becker?</p> <p>23 A. It was.</p> <p>24 Q. Okay. And here it talks about</p>